

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

James McGinn

v.

Civil No. 07-cv-088-SM

New Hampshire State Prison,
Interim Warden

O R D E R

Pro se petitioner James McGinn has filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his state court conviction and confinement (document no. 1). He also moves for leave to file an amended petition with counsel and requests a stay of the proceedings until the amended petition is filed (document no. 2). Given his concerns regarding the statute of limitations under the Antiterrorism and Effective Death Penalty Act of 1996, 28 U.S.C. § 2254, he has filed the instant petition in order to preserve his claims.

McGinn's motion to file an amended petition is granted. In light of his intention to retain counsel and file an amended petition within thirty days, I order the federal proceedings stayed and the instant petition held in abeyance. Once he retains counsel, he must request this Court to lift the stay and

preliminarily review his federal petition.

SO ORDERED.

_____/s/James R.Muirhead
James R. Muirhead
United States Magistrate Judge

Date: April 11, 2007

cc: James McGinn, pro se